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INDEX NO. 950007/2019

RECEIVED NYSCEF: 08/14/2019

SUPREME COURT OF THE STATE OF NEW YORK	
COUNTY OF NEW YORK	
X	
	Date Index No. Purchased:
JOSEPH RONKON,	
	Index No.:
Plaintiff,	
,	Plaintiff designates New York
a and its at	County as the place of trial.
-against-	
	The basis of venue is
THE ROMAN CATHOLIC ARCHDIOCESE OF	Defendant's domicile.
NEW YORK and MOUNT MANRESA JESUIT	CLD F1 CONG
RETREAT HOME,	SUMMONS
,	Plaintiff resides in Richmond
Defendant(s)	
Defendant(s).	County
X	

The Above Named Defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within twenty (20) days after the service of this summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York August 14, 2019

Yours, etc.,

By: Adam P. Slater, Esq.

SLATER SLATER SCHULMAN LLP

Counsel for Plaintiff

488 Madison Avenue, 20<sup>th</sup> Floor

New York, New York 10022 (212) 922-0906

-and-

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By: Gary Certain, Esq.

CERTAIN & ZILBERG, PLLC

Counsel for Plaintiff

488 Madison Avenue, 20<sup>th</sup> Floor New York, New York 10022

(212) (27 7000

(212) 687-7800

TO:

THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK 1011 1st Avenue
New York, New York 10022

MOUNT MANRESA JESUIT RETREAT HOME 239 Fingerboard Road Staten Island, New York 10305

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SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF NEW YORK	
X	Date Filed:
JOSEPH RONKON,	Index No.:
71 1 100	VERIFIED COMPLAINT
Plaintiff,	JURY TRIAL DEMANDED
-against-	
THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK and MOUNT MANRESA JESUIT RETREAT HOME,	
Defendant(s)X	

Plaintiff, Joseph Ronkon ("Plaintiff"), by his attorneys Slater Slater Schulman LLP and Certain & Zilberg, PLLC, brings this action against the Roman Catholic Archdiocese of New York and Mount Manresa Jesuit Retreat Home and alleges, on personal knowledge as to himself and on information and belief as to all other matters, as follows:

#### JURISIDICTION AND VENUE

- 1. This action is brought pursuant to the Children Victims Act ("CVA") (L. 2019 c. 11). See CPLR §§ 30.10; 208(b); 214-g.
- 2. This Court has personal jurisdiction over Defendant the Roman Catholic Archdiocese of New York ("Diocese") pursuant to CPLR §§ 301 and 302, in that the Diocese either resides in New York or conducts or, at relevant times conducted, activities in New York that give rise to the claims asserted herein.
- 3. This Court has personal jurisdiction over Defendant Mount Manresa Jesuit Retreat Home ("Mount Manresa") pursuant to CPLR §§ 301 and 302, in that Mount Manresa either resides

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in New York or conducts or, at relevant times conducted, activities in New York that give rise to the claims asserted herein.

4. This Court has jurisdiction over this action because the amount of damages Plaintiff seeks exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

5. Venue for this action is proper in the County of New York pursuant to CPLR § 503 in that one or more Defendants resides in this County and a substantial part of the events or omissions giving rise to the claims asserted herein occurred here.

#### **PARTIES**

- 6. Plaintiff is a 35 year old individual residing in Richmond County, New York. Plaintiff was approximately 13 years old at the time of the sexual abuse alleged herein.
- 7. At all times material to the Verified Complaint, Diocese was and continues to be a non-profit religious corporation, organized exclusively for charitable, religious, and educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code.
- 8. At all times material to the Verified Complaint, Diocese was and remains authorized to conduct business under the laws of the State of New York.
- 9. At all times material to the Verified Complaint, Diocese's principal place of business is 1011 1st Avenue, New York, NY 10022.
- 10. The Diocese oversees a variety of liturgical, sacramental, and faith formation programs.
- 11. The Diocese has various programs that seek out the participation of children in its activities.
- 12. The Diocese, through its agents, servants, and/or employees has control over those activities involving children.

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13. The Diocese has the power to employ individuals working with and/or alongside children within defendant Diocese, including but not limited to those at Mount Manresa.

- 14. At all times material to the Verified Complaint, Mount Manresa was and continues to be a religious New York State non-profit entity.
- 15. At all times material to the Verified Complaint, Mount Manresa maintained its principal place of business at 239 Fingerboard Road, Staten Island, NY 10305.
- 16. At all times material to the Verified Complaint, Mount Manresa is a parish operating under the control of the Diocese.
- 17. At all times material to the Verified Complaint, Mount Manresa is a parish operating for the benefit of the Diocese.
- 18. At all times material to the Verified Complaint Father Jack T. Ryan ("Father Ryan") was an agent, servant, and/or employee of Mount Manresa.
- 19. At all times material to the Verified Complaint Father Ryan was an agent, servant, and/or employee of the Diocese.
- 20. At all times material to the Verified Complaint, while an agent, servant and/or employee of Mount Manresa, Father Ryan remained under the control and supervision of the Diocese.
- 21. At all times material to the Verified Complaint, while an agent, servant and/or employee of Mount Manresa, Father Ryan remained under the control and supervision of Mount Manresa.
- At all times material to the Verified Complaint, while an agent, servant and/or 22. employee of the Diocese, Father Ryan remained under the control and supervision of the Diocese.

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23. At all times material to the Verified Complaint, while an agent, servant and/or employee of the Diocese, Father Ryan remained under the control and supervision of Mount

Manresa.

24. Mount Manresa placed Father Ryan in positions where he had immediate access to

children.

25. The Diocese placed Father Ryan in positions where he had immediate access to

children.

THE CATHOLIC CHURCH'S LONG HISTORY OF COVERING UP CHILD SEXUAL ABUSE

26. In 1962, the Vatican in Rome issued a Papal Instruction binding upon all Bishops

throughout the world including the Bishop of the Diocese. The instruction was binding upon the

Bishop of the Diocese. The instruction directed that allegations and reports of sexual abuse of

children by priests were required to be kept secret and not disclosed either to civil authorities such

as law enforcement, to co-employees or supervisors of parish priests, or to parishioners generally.

27. Canon law requires Bishops to keep *subsecreto* files also known as confidential

files. These files are not to be made public.

28. Because of problems of sexual misconduct of Catholic clergy, the Catholic Church

and other organizations sponsored treatment centers for priests that had been involved in sexual

misconduct, including centers in Albuquerque, New Mexico, Suitland, Maryland, Downington

Pennsylvania, and Ontario, Canada.

29. Sexual abuse of clerics by Catholic clergy has been a reality in the Catholic Church

for centuries but has remained covered by deep secrecy. This secrecy is rooted in the official

policies of the Catholic Church which are applicable to all dioceses and in fact are part of the

practices of each diocese, including the Diocese. Sexual abuse of minors by Catholic clergy and

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religious leaders became publicly known in the mid 1980's as a result of media coverage of a case

in Lafayette, Louisiana. Since that time, the media has continued to expose cases of clergy sexual

abuse throughout the United States. In spite of these revelations as well as the many criminal and

civil litigations the Church has been involved in as a result of clergy sexual abuse of minors, the

bishops and other Church leaders continued to pursue a policy of secrecy.

30. All of the procedures required in the so-called "Dallas Charter" to purportedly

protect children have been previously mandated in the Code of Canon Law but were consistently

ignored by Catholic bishops. In place of the required processes, which would have kept a written

record of cases of clergy sexual abuse, the bishops applied a policy of clandestine transfer of

accused priests from one local or diocesan assignment to another or from one diocese to another.

The receiving parishioners and often the receiving pastors were not informed of any accusations

of sexual abuse of minors.

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31. The truth concerning the extent of the frequency of sexual abuse at the hands of

Catholic priests and Catholic Church's pervasive campaign to cover up such crimes continues to

be revealed. In 2018, the State of Pennsylvania released a grand jury report releasing the name of

over 300 "predator priests" in Pennsylvania alone who committed acts of sexual abuse on more

than a thousand children, while also noting that there were "likely thousands more victims whose

records were lost or who were too afraid to come forward." The report's opening remarks bear

repeating here:

We, the members of this grand jury, need you to hear this. We know some of you have heard some of it before. There have been other reports about child sex abuse within the Catholic Church. But never on this scale. For

many of us, those earlier stories happened someplace else, someplace away.

Now we know the truth: it happened everywhere.

Most of the victims were boys; but there were girls too. Some were teens;

many were prepubescent. Some were manipulated with alcohol or

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pornography. Some were made to masturbate their assailants or were groped by them. Some were raped orally, some vaginally, some anally. But all of them were brushed aside, in every part of the state, by church leaders who preferred to protect the abusers and their institution above all.

32. The 2018 grand jury report found numerous, pervasive strategies employed by the

Catholic Church which the report referred to collectively as a "playbook for concealing the truth."

These measures include but are not limited to the following:

- Make sure to use euphemisms rather than real words to describe the sexual assaults in diocese documents. Never say "rape"; say "inappropriate contact" or "boundary issues."
- Don't conduct genuine investigations with properly trained personnel. Instead, assign fellow clergy members to ask inadequate questions and then make credibility determinations about the colleagues with whom they live and work.
- For an appearance of integrity, send priests for "evaluation" at church-run psychiatric treatment centers. Allow these experts to "diagnose" whether the priest was a pedophile, based largely on the priest's "self-reports" and regardless of whether the priest had actually engaged in sexual contact with a child.
- When a priest does have to be removed, don't say why. Tell his parishioners that he is on "sick leave," or suffering from "nervous exhaustion." Or say nothing at all.
- Even if a priest is raping children, keep providing him housing and living expenses, although he may be using these resources to facilitate more sexual assaults.
- If a predator's conduct becomes known to the community, don't remove him from the priesthood to ensure that no more children will be victimized. Instead, transfer him to a new location where no one will know he is a child abuser.
- Finally, and above all, don't tell the police. Child sexual abuse, even short of actual penetration, is and has for all relevant times been a crime. But don't treat it that way; handle it like a personnel matter, "in house."

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33. Refusal to disclose sexually abusing clerics to parishioners and even fellow clerics has been one way utilized by Defendant to maintain secrecy. Another has been to use various forms of persuasion on victims or their families to convince them to remain silent about incidents of abuse. These forms of persuasion have included methods that have ranged from sympathetic attempts to gain silence to direct intimidation to various kinds of threats. In so doing the clergy involved, from bishops to priests, have relied on their power to overwhelm victims and their families.

- The sexual abuse of children and the Catholic Church's abhorrent culture of 34. concealing these crimes are at the heart of the allegations complained of herein.
- 35. The Child Victims Act was enacted for the explicit purpose of providing survivors of child sexual abuse with the recourse to bring a private right of action against the sexual predators who abused them and the institutions that concealed their crimes.

#### **FACTS**

- 36. Plaintiff was raised in a devout Roman Catholic family and, in or around 1997 when Plaintiff was approximately 13 years old, Plaintiff began attending Mount Manresa, a church within and under the auspices of the Diocese.
- 37. At all relevant times, Plaintiff participated in youth activities and church activities at Mount Manresa.
- 38. During and through these activities, Plaintiff, as a minor and vulnerable child, was dependent on Mount Manresa and Father Ryan.
- 39. During and through these activities, Mount Manresa had custody of Plaintiff and accepted the entrustment of Plaintiff.

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40. During and through these activities, Mount Manresa had responsibility of Plaintiff

and authority over him.

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During and through these activities, Plaintiff, as a minor and vulnerable child, was 41.

dependent on the Diocese and Father Ryan. During and through these activities the Diocese had

custody of Plaintiff and accepted the entrustment of Plaintiff.

42. During and through these activities, the Diocese had responsibility of Plaintiff and

authority over him.

43. Through his positions at, within, or for Mount Manresa, Father Ryan was put in

direct contact with Plaintiff. It was under these circumstances that Plaintiff came to be under the

direction, contact, and control of Father Ryan, who used his position of authority and trust over

Plaintiff to sexually abuse and harass Plaintiff.

44. Through his positions at, within, or for the Diocese, Father Ryan was put in direct

contact with Plaintiff. It was under these circumstances that Plaintiff came to be under the

direction, contact, and control of Father Ryan, who used his position of authority and trust over

Plaintiff to sexually abuse and harass Plaintiff.

45. On numerous occasions, while Plaintiff was a minor, Father Ryan while acting as

a priest, counselor, teacher, trustee, director, officer, employee, agent, servant and/or volunteer of

Mount Manresa, sexually assaulted, sexually abused and/or had sexual contact with Plaintiff in

violation of the laws of the State of New York.

46. On numerous occasions, while Plaintiff was a minor, Father Ryan while acting as

a priest, counselor, teacher, trustee, director, officer, employee, agent, servant and/or volunteer of

the Diocese, sexually assaulted, sexually abused and/or had sexual contact with Plaintiff in

violation of the laws of the State of New York.

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47. The abuse occurred from approximately in or about 1997 through approximately 2002.

Plaintiff's relationship to Mount Manresa, as a vulnerable minor, parishioner and 48.

participant in Church activities, was one in which Plaintiff was subject to Mount Manresa's

ongoing influence. The dominating culture of the Catholic Church over Plaintiff pressured

Plaintiff not to report Father Ryan's sexual abuse of him.

49. Plaintiff's relationship to the Diocese, as a vulnerable minor, parishioner and

participant in Church activities, was one in which Plaintiff was subject to the Diocese's ongoing

influence. The dominating culture of the Catholic Church over Plaintiff pressured Plaintiff not to

report Father Ryan's sexual abuse of him.

50. At no time did the Diocese ever send an official, a member of the clergy, an

investigator or any employee or independent contractor to Mount Manresa to advise the

parishioners either verbally or through a church bulletin that there were credible allegations against

Father Ryan and to request that anyone who saw, suspected or suffered sexual abuse to come

forward and file a report with the police department. Rather, the Diocese remained silent.

51. At all times material hereto, Father Ryan was under the direct supervision, employ

and/or control of Mount Manresa.

52. At all times material hereto, Father Ryan was under the direct supervision, employ

and/or control of the Diocese.

53. Mount Manresa knew and/or reasonably should have known, and/or knowingly

condoned, and/or covered up, the inappropriate and unlawful sexual activities of Father Ryan who

sexually abused Plaintiff.

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54. The Diocese knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up, the inappropriate and unlawful sexual activities of Father Ryan who

sexually abused Plaintiff.

Mount Manresa negligently or recklessly believed that Father Ryan was fit to work 55.

with children and/or that any previous problems he had were fixed and cured; that Father Ryan

would not sexually molest children; and that Father Ryan would not injure children.

56. The Diocese negligently or recklessly believed that Father Ryan was fit to work

with children and/or that any previous problems he had were fixed and cured; that Father Ryan

would not sexually molest children; and that Father Ryan would not injure children.

57. Mount Manresa had the responsibility to supervise and/or direct priests serving at

Mount Manresa, and specifically, had a duty not to aid a pedophile such as Father Ryan, by

assigning, maintaining and/or appointing him to a position with access to minors.

58. The Diocese had the responsibility to supervise and/or direct priests serving at

Mount Manresa, and specifically, had a duty not to aid a pedophile such as Father Ryan, by

assigning, maintaining and/or appointing him to a position with access to minors.

59. By holding Father Ryan out as safe to work with children, and by undertaking the

custody, supervision of, and/or care of the minor Plaintiff, Mount Manresa entered into a fiduciary

relationship with the minor Plaintiff. As a result of Plaintiff's being a minor, and by Mount

Manresa undertaking the care and guidance of the vulnerable minor Plaintiff, Mount Manresa held

a position of empowerment over Plaintiff.

By holding Father Ryan out as safe to work with children, and by undertaking the 60.

custody, supervision of, and/or care of the minor Plaintiff, the Diocese entered into a fiduciary

relationship with the minor Plaintiff. As a result of Plaintiff's being a minor, and by the Diocese

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undertaking the care and guidance of the vulnerable minor Plaintiff, the Diocese held a position of empowerment over Plaintiff.

61. Mount Manresa, by holding itself out as being able to provide a safe environment

for children, solicited and/or accepted this position of empowerment. This empowerment

prevented the then minor Plaintiff from effectively protecting himself. Mount Manresa thus

entered into a fiduciary relationship with Plaintiff.

62. The Diocese, by holding itself out as being able to provide a safe environment for

children, solicited and/or accepted this position of empowerment. This empowerment prevented

the then minor Plaintiff from effectively protecting himself. The Diocese thus entered into a

fiduciary relationship with Plaintiff.

63. Mount Manresa had a special relationship with Plaintiff.

The Diocese had a special relationship with Plaintiff. 64.

Mount Manresa owed Plaintiff a duty of reasonable care because Mount Manresa 65.

had superior knowledge about the risk that Father Ryan posed to Plaintiff, the risk of abuse in

general in its programs, and/or the risks that its facilities posed to minor children.

The Diocese owed Plaintiff a duty of reasonable care because the Diocese had 66.

superior knowledge about the risk that Father Ryan posed to Plaintiff, the risk of abuse in general

in its programs, and/or the risks that its facilities posed to minor children.

Mount Manresa owed Plaintiff a duty of reasonable care because it solicited youth 67.

and parents for participation in its youth programs; encouraged youth and parents to have the youth

participate in its programs; undertook custody of minor children, including Plaintiff; promoted its

facilities and programs as being safe for children; held its agents including Father Ryan out as safe

to work with children; encouraged parents and children to spend time with its agents; and/or

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encouraged its agents, including Father Ryan, to spend time with, interact with, and recruit

children.

68. The Diocese owed Plaintiff a duty of reasonable care because it solicited youth and

parents for participation in its youth programs; encouraged youth and parents to have the youth

participate in its programs; undertook custody of minor children, including Plaintiff; promoted its

facilities and programs as being safe for children; held its agents including Father Ryan out as safe

to work with children; encouraged parents and children to spend time with its agents; and/or

encouraged its agents, including Father Ryan, to spend time with, interact with, and recruit

children.

Mount Manresa owed Plaintiff a duty to protect Plaintiff from harm because Mount 69.

Manresa's actions created a foreseeable risk of harm to Plaintiff.

70. The Diocese owed Plaintiff a duty to protect Plaintiff from harm because the

Diocese's actions created a foreseeable risk of harm to Plaintiff.

71. Mount Manresa's breach of its duties include, but are not limited to: failure to have

sufficient policies and procedures to prevent child sexual abuse, failure to properly implement the

policies and procedures to prevent child sexual abuse, failure to take reasonable measures to make

sure that the policies and procedures to prevent child sexual abuse were working, failure to

adequately inform families and children or the risks of child sexual abuse, failure to investigate

risks of child sexual abuse, failure to properly train the workers at institutions and programs within

Mount Manresa, geographical confines, failure to protect children in its programs from child

sexual abuse, failure to adhere to the applicable standard of care for child safety, failure to

investigate the amount and type of information necessary to represent the institutions, programs,

leaders and people as safe, failure to train its employees properly to identify signs of child

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molestation by fellow employees, failure by relying on mental health professionals, and/or failure

by relying on people who claimed that they could treat child molesters.

72. The Diocese's breach of its duties include, but are not limited to: failure to have

sufficient policies and procedures to prevent child sexual abuse, failure to properly implement the

policies and procedures to prevent child sexual abuse, failure to take reasonable measures to make

sure that the policies and procedures to prevent child sexual abuse were working, failure to

adequately inform families and children or the risks of child sexual abuse, failure to investigate

risks of child sexual abuse, failure to properly train the workers at institutions and programs within

the Diocese, geographical confines, failure to protect children in its programs from child sexual

abuse, failure to adhere to the applicable standard of care for child safety, failure to investigate the

amount and type of information necessary to represent the institutions, programs, leaders and

people as safe, failure to train its employees properly to identify signs of child molestation by

fellow employees, failure by relying on mental health professionals, and/or failure by relying on

people who claimed that they could treat child molesters.

73. Mount Manresa also breached its duties to Plaintiff by failing to warn Plaintiff and

Plaintiff's family of the risk that Father Ryan posed and the risks of child sexual abuse by clerics.

Mount Manresa also failed to warn Plaintiff about any of the knowledge that it had about child

sexual abuse.

74. The Diocese also breached its duties to Plaintiff by failing to warn Plaintiff and

Plaintiff's family of the risk that Father Ryan posed and the risks of child sexual abuse by clerics.

The Diocese also failed to warn Plaintiff about any of the knowledge that it had about child sexual

abuse.

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75. Mount Manresa also violated a legal duty by failing to report known and/or

suspected abuse of children by Father Ryan and/or its other agents to the police and law

enforcement.

76. The Diocese also violated a legal duty by failing to report known and/or suspected

abuse of children by Father Ryan and/or its other agents to the police and law enforcement.

77. By employing Father Ryan at Mount Manresa, and other facilities within the

Diocese, the Diocese, through its agents, affirmatively represented to minor children and their

families that Father Ryan did not pose a threat to children, did not have a history of molesting

children, that the Diocese did not know that Father Ryan had a history of molesting children, and

that the Diocese did not know that Father Ryan was a danger to children.

78. By employing Father Ryan at Mount Manresa, Mount Manresa through its agents,

affirmatively represented to minor children and their families that Father Ryan did not pose a threat

to children, did not have a history of molesting children, that Mount Manresa did not know that

Father Ryan had a history of molesting children, and that Mount Manresa did not know that Father

Ryan was a danger to children.

79. The Church induced Plaintiff and Plaintiff's family to rely on these affirmations

and did rely on them.

80. The Diocese has never publicly admitted the veracity of the allegations against

Father Ryan, warned the public and/or conducted outreach to potential victims of his sexual abuse.

The pattern and practice of intentionally failing to disclose the identities and locations of sexually

inappropriate and/or abusive clerics has been practiced by the Diocese for decades and continues

through current day. The failure to disclose the identities of allegedly sexually inappropriate

and/or abusive clerics is unreasonable and knowingly or recklessly creates or maintains a condition

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which endangers the safety or health of a considerable number of members of the public, including

Plaintiff.

81. By allowing Father Ryan to remain in active ministry, the Diocese, through its

agents, has made and continues to make affirmative representations to minor children and their

families, including Plaintiff and Plaintiff s family, that Father Ryan does not pose a threat to

children, does not have a history of molesting children, that the Diocese does not know that Father

Ryan has a history of molesting children and that the Diocese does not know that Father Ryan is a

danger to children.

82. The Diocese induced Plaintiff and Plaintiff's family to rely on these affirmations

and they did rely on them.

83. By allowing Father Ryan to remain in active ministry, Mount Manresa, through its

agents, has made and continues to make affirmative representations to minor children and their

families, including Plaintiff and Plaintiff s family, that Father Ryan does not pose a threat to

children, does not have a history of molesting children, that Mount Manresa does not know that

Father Ryan has a history of molesting children and that Mount Manresa does not know that Father

Ryan is a danger to children.

84. As a result of Defendants' conduct described herein, Plaintiff has and will continue

to suffer personal physical and psychological injuries, including but not limited to great pain of

mind and body, severe and permanent emotional distress, physical manifestations of emotional

distress, problems sleeping, concentrating, low self-confidence, low self-respect, low self-esteem,

feeling of worthlessness, feeling shameful, and embarrassed, feeling alone and isolated, losing

faith in God, losing faith in authority figures, feeling estranged from the church, struggling with

alcohol and substance problems, struggling with gainful employment and career advancement,

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and the extent of the harm Plaintiff suffered as a result.

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feeling helpless, and hopeless, problems with sexual intimacy, relationship problems, trust issues, feeling confused and angry, depression, anxiety, feeling dirty, used, and damaged, suicidal ideations, having traumatic flashbacks, feeling that his/her childhood and innocence was stolen, and feeling that his life was ruined. Plaintiff was prevented and will continue to be prevented from performing Plaintiff's normal daily activities; has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling; and, on information and belief, has incurred and will continue to incur loss of income and/or loss of earning capacity. As a victim of Defendants' misconduct, Plaintiff is unable at this time to fully describe all the details of that abuse

- 85. Mount Manresa violated various New York statutes, including, but not limited to N.Y. Soc. Serv. Law §§ 413 and 420, which require, inter alia, school officials, teachers, day care center workers, providers of family or group family day care, and any other child care worker to report suspected cases of child abuse and impose liability for failure to report.
- 86. The Diocese violated various New York statutes, including, but not limited to N.Y. Soc. Serv. Law §§ 413 and 420, which require, inter alia, school officials, teachers, day care center workers, providers of family or group family day care, and any other child care worker to report suspected cases of child abuse and impose liability for failure to report.
- 87. The injuries and damages suffered by Plaintiff are specific in kind to Plaintiff special, peculiar, and above and beyond those injuries and damages suffered by the public.

### FIRST CAUSE OF ACTION: NEGLIGENCE

Plaintiff repeats and realleges by reference each and every allegation set forth above 88. as if fully set forth herein.

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89. Mount Manresa knew or was negligent in not knowing that Father Ryan posed a threat of sexual abuse to children.

- 90. The Diocese knew or was negligent in not knowing that Father Ryan posed a threat of sexual abuse to children.
- 91. The acts of Father Ryan described hereinabove were undertaken, and/or enabled by, and/or during the course, and/or within the scope of his employment, appointment, and/or agency with Mount Manresa.
- The acts of Father Ryan described hereinabove were undertaken, and/or enabled 92. by, and/or during the course, and/or within the scope of his employment, appointment, and/or agency with the Diocese.
- 93. Mount Manresa owed Plaintiff a duty to protect Plaintiff from Father Ryan's sexual deviancy, both prior to and/or subsequent to Father Ryan's misconduct.
- 94. The Diocese owed Plaintiff a duty to protect Plaintiff from Father Ryan's sexual deviancy, both prior to and/or subsequent to Father Ryan's misconduct.
- 95. Mount Manresa's willful, wanton, grossly negligent and/or negligent act(s) of commission and/or omission, resulted directly and/or proximately in the damages set forth herein at length.
- The Diocese's willful, wanton, grossly negligent and/or negligent act(s) of 96. commission and/or omission, resulted directly and/or proximately in the damages set forth herein at length.
- 97. At all times material hereto, with regard to the allegations contained herein, Father Ryan was under the direct supervision, employ and/or control of Mount Manresa.

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98. At all times material hereto, with regard to the allegations contained herein, Father Ryan was under the direct supervision, employ and/or control of the Diocese.

99. At all times material hereto, Mount Manresa's actions were willful, wanton,

malicious, reckless, and outrageous in its disregard for the rights and safety of Plaintiff.

100. At all times material hereto, the Diocese's actions were willful, wanton, malicious,

reckless, and outrageous in its disregard for the rights and safety of Plaintiff

101. As a direct and/or indirect result of said conduct, Plaintiff has suffered the injuries

and damages described herein.

102. By reason of the foregoing, Defendants jointly, severally and/or in the alternative,

are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest

and costs.

# SECOND CAUSE OF ACTION: NEGLIGENT HIRING, RETENTION, SUPERVISION, AND/OR DIRECTION

103. Plaintiff repeats and realleges by reference each and every allegation set forth in

paragraphs 1 through 102 as if fully set forth herein.

104. Mount Manresa hired Father Ryan.

105. The Diocese hired Father Ryan

106. Mount Manresa hired Father Ryan for a position that required him to work closely

with, mentor, and counsel young boys and girls.

107. Diocese hired Father Ryan for a position that required him to work closely with,

mentor, and counsel young boys and girls.

108. Mount Manresa was negligent in hiring Father Ryan because it knew or should have

known, through the exercise of reasonable care of Father Ryan's propensity to develop

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inappropriate relationships with children in his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

- The Diocese was negligent in hiring Father Ryan because it knew or should have 109. known, through the exercise of reasonable care of Father Ryan's propensity to develop inappropriate relationships with children in his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.
- Father Ryan would not and could not have been in a position to sexually abuse Plaintiff had he not been hired by Mount Manresa to mentor and counsel children in Mount Manresa.
  - 111. Father Ryan continued to molest Plaintiff while at Mount Manresa.
- 112. Father Ryan would not and could not have been in a position to sexually abuse Plaintiff had he not been hired by Diocese to mentor and counsel children in Mount Manresa.
  - 113. Father Ryan continued to molest plaintiff while at Mount Manresa.
  - 114. The harm complained of herein was foreseeable.
- 115. Plaintiff would have been not suffered the foreseeable harm complained of herein but for the negligence of Mount Manresa in having placed Father Ryan, and/or allowed Father Ryan to remain in his position.
- 116. Plaintiff would have been not suffered the foreseeable harm complained of herein but for the negligence of the Diocese in having placed Father Ryan, and/or allowed Father Ryan to remain in his position.
- At all times while Father Ryan was employed or appointed by Mount Manresa, he 117. was supervised by Mount Manresa and/or its agents and employees.

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118. At all times while Father Ryan was employed or appointed by Mount Manresa, he

was under the direction of, and/or answerable to, Mount Manresa and/or its agents and employees.

119. At all times while Father Ryan was employed or appointed by the Diocese, he was

supervised by the Diocese and/or its agents and employees.

120. At all times while Father Ryan was employed or appointed by the Diocese, he was

under the direction of, and/or answerable to, the Diocese and/or its agents and employees.

121. Mount Manresa was negligent in its direction and/or supervision of Father Ryan in

that it knew or should have known, through the exercise of ordinary care that Father Ryan's

conduct would subject third parties to an unreasonable risk of harm, including Father Ryan's

propensity to develop inappropriate relationships with children under his charge and to engage in

sexual behavior and lewd and lascivious conduct with such children.

122. Mount Manresa failed to take steps to prevent such conduct from occurring.

123. The Diocese was negligent in its direction and / or supervision of Father Ryan in

that it knew or should have known, through the exercise of ordinary care, that Father Ryan's

conduct would subject third parties to an unreasonable risk of harm, including Father Ryan's

propensity to develop inappropriate relationships with children under his charge and to engage in

sexual behavior and lewd and lascivious conduct with such children.

124. The Diocese failed to take steps to prevent such conduct from occurring.

125. Mount Manresa was negligent in its retention of Father Ryan in that that it knew,

or should have known, of his propensity to develop inappropriate relationships with children under

his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

126. Mount Manresa retained Father Ryan in his position as mentor and counselor to

such children and thus left him in a position to continue such behavior.

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127. The Diocese was negligent in its retention of Father Ryan in that that it knew, or should have known, of his propensity to develop inappropriate relationships with children under

his charge and to engage in sexual behavior and lewd and lascivious conduct with such children.

128. The Diocese retained Father Ryan in his position as mentor and counselor to such

children and thus left him in a position to continue such behavior.

129. Mount Manresa was further negligent in its retention, supervision, and/or direction

of Father Ryan in that Father Ryan sexually molested Plaintiff on the premises of Mount Manresa.

130. Mount Manresa failed to take reasonable steps to prevent such events from

occurring on its premises.

131. The Diocese was further negligent in its retention, supervision, and/or direction of

Father Ryan in that Father Ryan sexually molested Plaintiff on the premises of the Diocese.

132. The Diocese failed to take reasonable steps to prevent such events from occurring

on its premises.

133. Father Ryan would not and could not have been in a position to sexually abuse

Plaintiff had he not been negligently retained, supervised, and/or directed by Mount Manresa as a

mentor and counselor to the infant parishioners of Mount Manresa, including Plaintiff.

134. Father Ryan would not and could not have been in a position to sexually abuse

Plaintiff had he not been negligently retained, supervised, and/or directed by the Diocese as a

mentor and counselor to the infant parishioners of the Diocese, including Plaintiff.

135. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative,

are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest

and costs

THIRD CAUSE OF ACTION: BREACH OF FIDUCIARY DUTY

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136. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 135 as if fully set forth herein.

- Through the position to which Father Ryan was assigned by Mount Manresa, Father 137. Ryan was placed in direct contact with Plaintiff.
- 138. Father Ryan was assigned as a director at Mount Manresa, including as a teacher assigned to teach Plaintiff.
- It was under these circumstances that Plaintiff was entrusted to the care of Mount Manresa and—under its authority-came to be under the direction, control and dominance of, Father Ryan.
  - 140. As a result, Father Ryan used his position to sexually abuse and harass Plaintiff.
- 141. Through the position to which Father Ryan was assigned by the Diocese, Father Ryan was put in direct contact with Plaintiff, then a minor.
  - 142. As a result, Father Ryan used his position to sexually abuse and harass Plaintiff.
- 143. There existed a fiduciary relationship of trust, confidence, and reliance between Plaintiff and Mount Manresa.
- There existed a fiduciary relationship of trust, confidence, and reliance between 144. Plaintiff and the Diocese
- 145. Pursuant to its fiduciary relationship, Mount Manresa was entrusted with the wellbeing, care, and safety of Plaintiff.
- 146. Pursuant to its fiduciary relationship, the Diocese was entrusted with the wellbeing, care, and safety of Plaintiff.
- 147. Pursuant to its fiduciary relationship, Mount Manresa assumed a duty to act in the best interests of Plaintiff.

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148. Pursuant to its fiduciary relationship, the Diocese assumed a duty to act in the best interests of Plaintiff.

- 149. Mount Manresa breached its fiduciary duties to Plaintiff.
- 150. The Diocese breached its fiduciary duties to Plaintiff.
- 151. At all times material hereto, Mount Manresa's actions and/or inactions were willful, wanton, malicious, reckless, and/or outrageous in its disregard for the rights and safety of Plaintiff.
- 152. At all times material hereto, the Diocese's actions and/or inactions were willful, wanton, malicious, reckless, and/or outrageous in its disregard for the rights and safety of Plaintiff.
- 153. As a direct result of said conduct, Plaintiff has suffered the injuries and damages described herein.
- 154. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory and punitive damages, together with interest and costs.

### FOURTH CAUSE OF ACTION: BREACH OF NON-DELEGABLE DUTY

- 155. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 154 as if fully set forth herein.
- 156. Plaintiff, when he was a minor, was placed in the care of Mount Manresa for the purposes of, *inter alia*, providing Plaintiff with a safe environment to receive an education.
- 157. As a result, there existed a non-delegable duty of trust between Plaintiff and Mount Manresa.
- 158. When Plaintiff was a minor, Plaintiff was placed in the care of the Diocese for the purposes of, *inter alia*, providing Plaintiff with a safe environment to receive an education.
- 159. As a result, there existed a non-delegable duty of trust between Plaintiff and the Diocese.

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160. Plaintiff was a vulnerable child when placed within the care of Mount Manresa.

- 161. Plaintiff was a vulnerable child when placed within the care of the Diocese.
- 162. Consequently, Mount Manresa was in the best position to prevent Plaintiff's abuse and to learn of Father Ryan's repeated sexual abuse of Plaintiff and stop it.
- 163. Consequently, the Diocese was in the best position to prevent Plaintiff's abuse, and to learn of Father Ryan's repeated sexual abuse of Plaintiff and stop it.
- 164. By virtue of the fact that Plaintiff was sexually abused as a minor student entrusted to the care of Mount Manresa, Mount Manresa breached its non-delegable duty to Plaintiff.
- 165. By virtue of the fact that Plaintiff was sexually abused as a minor student entrusted to the care of the Diocese, the Diocese breached its non-delegable duty to Plaintiff.
- 166. At all times material hereto, Father Ryan was under the direct supervision, employ and/or control of Mount Manresa.
- At all times material hereto, Father Ryan was under the direct supervision, employ 167. and/or control of the Diocese.
- As a direct result of said conduct, Plaintiff has suffered the injuries and damages 168. described herein.
- 169. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory and punitive damages, together with interest and costs.

## FIFTH CAUSE OF ACTION: BREACH OF DUTY IN LOCO PARENTIS

- 170. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 169 as if fully set forth herein.
- Plaintiff was a minor when his parents entrusted him to the control of Mount Manresa for the purpose of, *inter alia*, providing Plaintiff with an education.

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172. Mount Manresa owed a duty to adequately supervise its students to prevent foreseeable injuries.

- 173. As a result, Mount Manresa owed a duty to Plaintiff *in loco parentis*.
- 174. Plaintiff was a minor when his parents entrusted him to the control of the Diocese for the purposes of, *inter alia*, providing Plaintiff with an education.
- 175. The Diocese owed a duty to adequately supervise its students to prevent foreseeable injuries.
  - 176. As a result, the Diocese owed a duty to Plaintiff in loco parentis.
  - 177. Mount Manresa breached its duty in loco parentis.
  - 178. The Diocese breached its duty in loco parentis.
- 179. At all times material hereto, Mount Manresa's actions were willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in its disregard for the rights and safety of Plaintiff.
- 180. At all times material hereto, the Diocese's actions were willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in its disregard for the rights and safety of Plaintiff.
- 181. As a direct result of Mount Manresa's conduct, Plaintiff has suffered the injuries and damages described herein.
- 182. As a direct result of the Diocese's conduct, Plaintiff has suffered the injuries and damages described herein.
- 183. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory and punitive damages, together with interest and costs.

# SIXTH CAUSE OF ACTION: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

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Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 183 as if fully set forth herein.

At the time Father Ryan molested Plaintiff, which Father Ryan knew would cause, 185.

or disregarded the substantial probability that it would cause, severe emotional distress, Mount

Manresa employed Father Ryan as Plaintiff's mentor and counselor.

186. It was part of Father Ryan's job as role model and mentor to gain Plaintiff's trust.

Father Ryan used his position, and the representations made by Mount Manresa about his character

that accompanied that position, to gain Plaintiff's trust and confidence and to create opportunities

to violate Plaintiff.

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At the time Father Ryan molested Plaintiff, which Father Ryan knew would cause,

or disregarded the substantial probability that it would cause, severe emotional distress, the

Diocese employed Father Ryan as Plaintiff's mentor and counselor.

188. It was part of Father Ryan's job as role model and mentor to gain Plaintiff's trust.

Father Ryan used his position, and the representations made by the Diocese about his character

that accompanied that position, to gain Plaintiff's trust and confidence and to create opportunities

to violate Plaintiff.

189. Mount Manresa knew and/or disregarded the substantial probability that Father

Ryan's conduct would cause severe emotional distress to Plaintiff.

190. The Diocese knew and/or disregarded the substantial probability that Father Ryan's

conduct would cause severe emotional distress to Plaintiff.

Plaintiff suffered severe emotional distress, including psychological and emotional

injury as described above.

192. This distress was caused by Father Ryan's sexual abuse of Plaintiff.

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193. The sexual abuse of Plaintiff was extreme and outrageous conduct, beyond all possible bounds of decency, atrocious and intolerable in a civilized community.

- Mount Manresa is liable for Father Ryan's conduct under the doctrine of 194. respondeat superior.
- 195. The Diocese is liable for Father Ryan's conduct under the doctrine of respondeat superior.
- 196. By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory and punitive damages, together with interest and costs.

## SEVENTH CAUSE OF ACTION: NEGLIGENT INFLICTION OF **EMOTIONAL DISTRESS**

- 197. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 196 as if fully set forth herein.
- 198. As set forth at length herein, the actions of Mount Manresa, its predecessors and/or successors, agents, servants and/or employees, were conducted in a negligent and/or grossly negligent manner.
- As set forth at length herein, the actions of the Diocese, its predecessors and/or successors, agents, servants and/or employees were conducted in a negligent and/or grossly negligent manner.
- Mount Manresa's actions endangered Plaintiff's safety and caused him to fear for 200. his own safety.
- The Diocese's actions endangered Plaintiff's safety and caused him to fear for his 201. own safety.

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As a direct and proximate result of Mount Manresa's actions, which included but 202.

were not limited to, negligent and/or grossly negligent conduct, Plaintiff suffered the severe

injuries and damages described herein, including but not limited to, mental and emotional distress.

203. As a direct and proximate result of the Diocese's actions, which included but were

not limited to, negligent and/or grossly negligent conduct, Plaintiff suffered the severe injuries and

damages described herein, including but not limited to, mental and emotional distress.

In addition to its own direct liability for negligently inflicting emotional distress on 204.

Plaintiff, Mount Manresa is also liable for Father Ryan's negligent infliction of emotional distress

under the doctrine of respondeat superior.

At the time Father Ryan breached his duty to Plaintiff, Father Ryan was employed

as Plaintiff's mentor and counselor by Mount Manresa.

It was part of Father Ryan's job as role model and mentor to gain Plaintiff's trust. 206.

Father Ryan used his position, and the representations made by Mount Manresa about his character

that accompanied that position, to gain Plaintiff's trust and confidence and to create opportunities

to be alone with, and touch, Plaintiff.

In addition to its own direct liability for negligently inflicting emotional distress on 207.

Plaintiff, the Diocese is also liable for Father Ryan's negligent infliction of emotional distress

under the doctrine of respondeat superior.

At the time Father Ryan breached his duty to Plaintiff, Father Ryan was employed 208.

as Plaintiff's mentor and counselor by the Diocese.

It was part of Father Ryan's job as role model and mentor to gain Plaintiff's trust. 209.

Father Ryan used his position, and the representations made by the Diocese about his character

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that accompanied that position, to gain Plaintiff's trust and confidence and to create opportunities to be alone with, and touch, Plaintiff.

By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, are liable to Plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

## EIGHTH CAUSE OF ACTION: BREACH OF STATUTORY DUTY TO REPORT ABUSE UNDER SOC. SERV. LAW §§ 413, 420

- Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 211. through 210 as if fully set forth herein.
- Pursuant to N.Y. Soc. Serv. Law §§ 413 and 420, Mount Manresa, including but not limited to its teachers, administrators, and other school personnel had a statutorily imposed
- 213. Pursuant to N.Y. Soc. Serv. Law §§ 413 and 420, the Diocese, including but not limited to its teachers, administrators, and other school personnel had a statutorily imposed duty to report reasonable suspicion of abuse of children in their care.
- Mount Manresa breached that duty by knowingly and willfully failing to report 214. reasonable suspicion of abuse by Father Ryan of children in its care.
- The Diocese breached that duty by knowingly and willfully failing to report 215. reasonable suspicion of abuse by Father Ryan of children in its care.
- As a direct and/or indirect result of said conduct, Plaintiff has suffered injuries and 216. damages described herein.
- By reason of the foregoing, Defendants, jointly, severally and/or in the alternative, 217. are liable to plaintiff for compensatory damages, and for punitive damages, together with interest and costs.

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NYSCEF DOC. NO. WHEREFORE, it is respectfully requested that the Court grant judgment in this action in 08/14/2019 INDEX NO. 950007/2019

favor of the Plaintiff, and against the Defendant[s], in a sum of money in excess of the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with all applicable interest, costs, disbursements, as well as punitive damages and such other, further and different relief as the Court in its discretion shall deem to be just, proper and equitable.

Plaintiff further places defendant(s) on notice and reserves the right that to interpose claims sounding in Fraudulent Concealment, Deceptive Practices and/or Civil Conspiracy should the facts and discovery materials support such claims.

DATED: New York, New York August 14, 2019

By: Adam P. Slater, Esq.

SLATER SLATER SCHULMAN LLP

Counsel for Plaintiff

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apa P. Sloter

New York, New York 10022

(631) 420-9300

-and-

By: Gary Certain, Esq.

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ATTORNEY VERIFICATION

Adam P. Slater, an attorney duly admitted to practice law in the Courts of the State of

New York, hereby affirms the following statements to be true under the penalties of perjury,

pursuant to Rule 2106 of the CPLR:

Your affirmant is a partner of Slater Slater Schulman LLP, attorneys for the Plaintiff in

the within action;

That he has read the foregoing Complaint and knows the contents thereof; that the same

is true to his own knowledge, except as to the matters therein stated to be alleged upon

information and belief, and that as to those matters he believes it to be true.

Affirmant further states that the source of his information and the grounds for his belief

are derived from interviews with the Plaintiff and from the file maintained in the normal course

of business.

Affirmant further states that the reason this verification is not made by the Plaintiff is that

the Plaintiff is not presently within the County of New York, which is the county wherein the

attorneys for the Plaintiff herein maintain their offices.

Dated: Melville, New York

August 14, 2019

Adam P. Slater, Esq.

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK
\_\_\_\_\_X

JOSEPH RONKON,

Plaintiff,

-against-

THE ROMAN CATHOLIC ARCHDIOCESE OF NEW YORK and MOUNT MANRESA JESUIT RETREAT HOME,

Defendant(s).

## **SUMMONS & VERIFIED COMPLAINT**

Slater Slater Schulman LLP Attorneys For Plaintiff 488 Madison Avenue, 20<sup>th</sup> Floor New York, New York 10022

(212)922-0906

Certain & Zilberg, PLLC

Attorneys For Plaintiff

488 Madison Avenue, 20<sup>th</sup> Floor
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#### **CERTIFICATION**

Pursuant to 22 NYCRR §130-1.1-a, the undersigned, an attorney duly admitted to practice in the courts of the State of New York, certifies that, upon information and belief, and reasonable inquiry, the contentions contained in the annexed document are not frivolous as defined in subsection (c) of the aforesaid section.

Adam P. Slater, Esq.

ary Certain, Esq.